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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 C.S., et. al.,

12 Plaintiffs,

13 vs.

14 CALIFORNIA DEPARTMENT OF
EDUCATION,

15 Defendant.
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CASE NO. 08-CV-0226 W (AJB)

**ORDER PARTIALLY
GRANTING EX PARTE
APPLICATION TO SHORTEN
TIME TO HEAR MOTION FOR
INTERVENTION (Doc. No. 13)**

17 On February 19, 2008 Plaintiffs C.S. et. al. ("Plaintiffs") filed a temporary
18 restraining order ("TRO") against Defendant California Department of Education
19 ("Defendant"). (Doc. No. 4.) On February 20, 2008 the Court issued a briefing
20 schedule, which established the TRO's hearing date on March 24, 2008. (Doc. No. 7.)
21 On March 7, 2008 the Court continued the TRO hearing until April 28, 2008 because
22 there was no immediate irreparable injury and Plaintiffs did not properly serve
23 Defendants with the Complaint. (Doc. No. 12.)

24 Also on March 7, 2008 the Office of Administrative Hearings ("OAH" or
25 "Intervenor") filed a motion seeking to intervene in this case. (Doc. No. 14.) OAH
26 also filed an *ex parte* application to shorten the time to hear the intervention motion.
27 (Doc. No. 13.) Despite the continuance, OAH seeks a shortened briefing schedule in
28 order to resolve certain issues before the TRO's opposition is due. Plaintiff opposes,

1 stating that they require more time to oppose the intervention. (*Pls.' Opp'n to Time*
2 *Extension 1, 3.*)

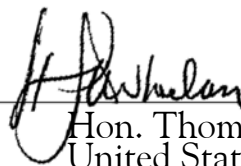
3 Good cause appearing, the Court agrees that the issue of whether OAH should
4 be allowed to intervene should be resolved before Defendants' opposition is due.

5 Specifically:

- 6 1. The hearing date for OAH's motion to intervene shall be April 7, 2008.
7 Unless otherwise notified, the Court will take the matter under submission
8 and without oral argument pursuant to S.D. Cal. Civ. R. 7.1(d.1).
- 9 2. Plaintiff's Opposition shall be filed and served by March 24, 2008.
- 10 3. Any Reply shall be filed and served by March 31, 2008.

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12 **IT IS SO ORDERED.**

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15 DATED: March 11, 2008

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18 Hon. Thomas J. Whelan
19 United States District Judge
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